

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

22846

7590

01/06/2004

BRIAN ROFFE, ESQ 11 SUNRISE PLAZA, SUITE 303 VALLEY STREAM, NY 11580-6170 EXAMINER

TO, TOAN C

ART UNIT PAPER NUMBER

3616

DATE MAILED: 01/06/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,535	11/10/1999	DAVID S BREED	ATI-207	8122

TITLE OF INVENTION: METHOD AND APPARATUS FOR CONTROLLING DEPLOYMENT OF A SIDE AIRBAG

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	04/06/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

 Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

(703) 746-4000 or <u>Fax</u>

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications. CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1) Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission. 22846 7590 01/06/2004 BRIAN ROFFE, ESQ Certificate of Mailing or Transmission I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below. 11 SUNRISE PLAZA, SUITE 303 VALLEY STREAM, NY 11580-6170 (Depositor's name) (Signature (Date APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 09/437,535 11/10/1999 DAVID S BREED ATI-207 8122 TITLE OF INVENTION: METHOD AND APPARATUS FOR CONTROLLING DEPLOYMENT OF A SIDE AIRBAG APPLN. TYPE SMALL ENTITY ISSUE FEE PUBLICATION FEE TOTAL FEE(S) DUE DATE DUE YES \$665 nonprovisional \$665 04/06/2004 **EXAMINER** ART UNIT CLASS-SUBCLASS TO, TOAN C 3616 280-735000 1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). 2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single  $\mbox{\sc U}$  Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer attorneys or agents. If no name is listed, no name will be printed. Number is required. 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment. (A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity **□** government 4a. The following fee(s) are enclosed: 4b. Payment of Fee(s): ☐ Issue Fee ☐ A check in the amount of the fee(s) is enclosed. ☐ Publication Fee ☐ Payment by credit card. Form PTO-2038 is attached. ☐ Advance Order - # of Copies U The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form). (enclose an extra copy of this form) Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

NOTE; The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or off interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents. Alexandria, Virginia 22313-1450. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO. FILING DATE		DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	. CONFIRMATION NO.
09/437,535 11/10/1999		999	DAVID S BREED	ATI-207	8122
22846	7590	01/06/2004		EXA	AMINER
BRIAN ROFFE, ESQ 11 SUNRISE PLAZA, SUITE 303 VALLEY STREAM, NY 11580-6170			то,	TO, TOAN C	
				ART UNIT	PAPER NUMBER
			·	3616	•

DATE MAILED: 01/06/2004

## Determination of Patent Term Extension under 35 U.S.C. 154 (b)

(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

	A 12	A 12 - 44 3		
•	Application No.	Applicant(s)	✓ *	
Aladiaa af Allawa Lilita	09/437,535	BREED ET AL.		
Notice of Allowability	Examiner	Art Unit		
,	Toan C To	3616		
The MAN INC DATE of this accommissation and	are on the sever sheet with the	,		
The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS				
nerewith (or previously mailed), a Notice of Allowance (PTOL-85)				
NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI		ect to withdrawal from issu	e at the initiative	
of the Office or upon petition by the applicant. See 37 CFR 1.313	and MPEP 1308.			
1. $oxed{oxed}$ This communication is responsive to <u>Amendment filed on S</u>	September 8, 2003.			
2. $igotimes$ The allowed claim(s) is/are <u>1,5-10,14-21,24-28,30,32-38 al</u>				
3. $\square$ The drawings filed on <u>10 November 1999</u> are accepted by				
4. Acknowledgment is made of a claim for foreign priority un	nder 35 U.S.C. § 119(a)-(d) or (f	).		
a) All b) Some* c) None of the:				
1. Certified copies of the priority documents have				
2. Certified copies of the priority documents have				
3. Copies of the certified copies of the priority do	cuments have been received in	this national stage applica	tion from the	
International Bureau (PCT Rule 17.2(a)).				
* Certified copies not received:	ndor 35 11 0 0 - 0 440/ - \ /4-	adalamat seedleed - Not	: <i>e</i> : -	
Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.				
$oxed{}$ (a) $oxed{}$ The translation of the foreign language provisional a	• •			
<ol> <li>Acknowledgment is made of a claim for domestic priority up in the first sentence of the specification or in an Application</li> </ol>		21 since a specific referen	ce was included	
Applicant has THREE MONTHS FROM THE "MAILING DATE" of pelow. Failure to timely comply will result in ABANDONMENT of	this communication to file a repthis application. THIS THREE-	oly complying with the requ	irements noted <b>EXTENDABLE</b> .	
7. A SUBSTITUTE OATH OR DECLARATION must be submi			OTICE OF	
3. CORRECTED DRAWINGS ( as "replacement sheets") mus	t be submitted.			
(a) ☐ including changes required by the Notice of Draftspers		PTO-948) attached		
1) 🔲 hereto or 2) 🔲 to Paper No				
(b) $\square$ including changes required by the proposed drawing c	orrection filed, which ha	as been approved by the E	xaminer.	
(c) 🔲 including changes required by the attached Examiner's	s Amendment / Comment or in t	he Office action of Paper I	No	
Identifying indicia such as the application number (see 37 CFR 1, each sheet. Replacement sheet(s) should be labeled as such in the	.84(c)) should be written on the di ne margin according to 37 CFR 1.	rawings in the front (not the 121(d).	back) of	
9. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT FOR T	sit of BIOLOGICAL MATERIA HE DEPOSIT OF BIOLOGICAL	AL must be submitted. i . MATERIAL.	Note the	
Attachment(s)				
☐ Notice of References Cited (PTO-892)	5☐ Notice of Informa	al Patent Application (PTO	-152)	
P☐ Notice of Draftperson's Patent Drawing Review (PTO-948)	6☐ Interview Summa	ary (PTO-413), Paper No. <sub>-</sub>	·	
Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No	), 7□ Examiner's Ame	ndment/Comment		
Examiner's Comment Regarding Requirement for Deposit	t 8⊠ Examiner's Statement of Reasons for Allowance			
of Biological Material	9☐ Other .			

Application/Control Number: 09/437,535

Art Unit: 3616

### **DETAILED ACTION**

## Allowable Subject Matter

1. Claims 1, 5-10, 14-21, 24-28, 30, 32-38, and 41-50 are allowed.

#### Reasons for allowance

2. The following is an examiner's statement of reasons for allowance:

With respect to claims 1, and 10, the prior art references fail to disclose or suggest an arrangement for controlling deployment of a side airbag particularly comprising: a determining means comprising at least one receiver adapted to receive wave from a space above a seat portion, and a processor coupled to the at least one receiver for generating a signal representative of the position of the at least a part of the occupant base on the waves received by the at least one receiver; wherein the receiver being capable of receiving electromagnetic waves. These structures in combination with other structures as recited in claims 1 and 10 define over prior art of record.

With respect to claims 20, and 28, the prior art references fail to disclose or suggest a method for controlling deployment of a side airbag particularly comprising steps of: determining the position of at least a part of the occupant/whether an occupant is present in the seat comprising transmitting waves into the space above the seat portion, receiving wave from a space above the seat portion and generating a signal representative of the position of the at least a part of the occupant based on the received waves. These steps in combination with other steps as recited in claims 20 and 28 define over prior art of record.

Application/Control Number: 09/437,535

Art Unit: 3616

With respect to claims 41, and 44 the prior art references fail to disclose or suggest an arrangement for controlling deployment of a side airbag particularly comprising: a determining means comprising a transmitter adapted to transmit waves into the space above the seat portion, at least one receiver adapted to receive wave transmitted by the transmitter, and a processor coupled to the at least one receiver for generating a signal representative of the position of the at least a part of the occupant base on the waves received by the at least one receiver. These structures in combination with other structures as recited in claims 41 and 44 define over prior art of record.

With respect to claims 47, and 49, the prior art references fail to disclose or suggest a method for controlling deployment of a side airbag particularly comprising steps of: determining the position of at least a part of the occupant comprising receiving waves from space above a seat portion, generating a signal representative of the position of the at least a part of the occupant based on the received waves; wherein the step of receiving waves comprising the step of arranging a receiver capable of receiving electromagnetic waves. These steps in combination with other steps as recited in claims 47 and 49 define over prior art of record.

With respect to claims 48, and 50 the prior art references fail to disclose or suggest a method for controlling deployment of a side airbag particularly comprising steps of: suppressing deployment of the side airbag, controlling a time at which deployment of the side airbag starts, controlling a rate of gas flow into and out of the side airbag; and controlling a rate of deployment of the airbag. These steps in

Application/Control Number: 09/437,535

Art Unit: 3616

combination with other steps as recited in claims 48 and 50 define over prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan To whose telephone number is (703) 306-5951. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson, can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-2571. Any inquiry of a general nature or relating to the status of this application or this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.

To, T

November 12, 2003

PAUL N. DICKSON

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Page 4